

### **REMARKS**

Claims 1-33 were rejected under 35 U.S.C., 102(b) as being anticipated by *Maxwell* et al (U.S. Patent No. 4,771,417). For a proper rejection of a claim under 35 U.S.C. Section 102(b), the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. Du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

#### Independent Claim 1

Independent claim 1 is allowable for at least the reason that *Maxwell* does not teach, suggest, or disclose “a processor configured to determine that there is a periodic transient in a digital subscriber line (DSL) communications system.”

#### Independent Claim 13

Independent claim 13 is allowable for at least the reason that *Maxwell* does not teach, suggest, or disclose “a transient pre-emptor comprising a processor configured to determine that there is a periodic transient in a digital subscriber line (DSL) communications system.”

#### Independent Claim 14

Independent claim 14 is allowable for at least the reason that *Maxwell* does not teach, suggest, or disclose “means for determining that there is a periodic transient in a digital subscriber line (DSL) communications system.”

#### Independent Claim 15

Independent claim 15 is allowable for at least the reason that *Maxwell* does not teach, suggest, or disclose “means for determining that there is a periodic transient in a digital subscriber line (DSL) communications system.”

#### Independent Claim 16

Independent claim 16 is allowable for at least the reason that *Maxwell* does not teach, suggest, or disclose “determining that there is a periodic transient in the DSL communications system.”

#### Independent Claim 25

Independent claim 25 is allowable for at least the reason that *Maxwell* does not teach, suggest, or disclose “determining that there is a periodic transient in the DSL communications system.”

#### Independent Claim 30

Independent claim 30 is allowable for at least the reason that *Maxwell* does not teach, suggest, or disclose “a routine that is configured to detect periodic transients in the DSL communications system.”

#### Independent Claim 32

Independent claim 32 is allowable for at least the reason that *Maxwell* does not teach, suggest, or disclose “a routine configured to determine that there is a periodic transient in the DSL communications system.”

#### Dependent Claims 2-12, 17-24, 26-29, 31, and 33

Dependent Claims 2-12, 17-24, 26-29, 31, and 33 are allowable for at least the reason that the independent claims from which each of these dependent claims respectively depends are allowable. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). The dependent claims are also allowable because they set forth additional novel features that are not taught, suggested or disclosed by Maxwell.

#### Dependent claim 3

Dependent claim 34 is also allowable because Maxwell does not teach, suggest, or disclose “wherein the processor is further configured to measure the length of time between consecutive transients.”

Dependent claim 4

Dependent claim 4 is also allowable because Maxwell does not teach, suggest, or disclose “wherein the processor is further configured to determine the cadence of transients.”

Dependent claim 5

Dependent claim 5 is also allowable because Maxwell does not teach, suggest, or disclose “wherein the processor is further configured to revise a cadence estimate for transients.”

Dependent claim 19

Dependent claim 19 is also allowable because Maxwell does not teach, suggest, or disclose “measuring the length of time between consecutive transients.”

Dependent claim 20

Dependent claim 20 is also allowable because Maxwell does not teach, suggest, or disclose “determining the cadence of transients.”


Dependent claim 21

Dependent claim 21 is also allowable because Maxwell does not teach, suggest, or disclose “revising a cadence estimate for transients.”

### ***CONCLUSION***

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1-33 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sami O. Malas", written in dark ink.

---

Sami O. Malas, Registration No. 44,893

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500